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March 12, 1999



Assistant Commissioner for Patents
Office of Finance
Refund Department
Box 16
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 08/993,564
For: CHIMERIC EMBRYOS AND ANIMALS CONTAINING
HUMAN CELLS
Our Reference: 45010-00601

Dear Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office is the following document: (1) Request for Refund with enclosure.

Sincerely yours,

PATRICK J. COYNE, Reg. 31,821
JOHN N. COULBY, Reg. No. 43,565

Repln. Ref: 05/19/1999 HBRDYM 0009274900
DAG:032469 Hacc/Number:08993564
FC: 704 \$130.00 CR

BOARD OF PATENT APPEALS
AND INTERFERENCES

1999 MAR 16 PM 5:38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Application of: STUART A. NEWMAN

Serial No.: 08/993,564

Filed: December 18, 1997

**For: CHIMERIC EMBRYOS AND ANIMALS CONTAINING HUMAN
CELLS**

Atty. Docket #: 45010-00601

Assistant Commissioner for Patents
Office of Finance
Refund Department
Box 16
Washington, D.C. 20231

REQUEST FOR REFUND

In response to the communication mailed March 1, 1999 in the above identified application, we respectfully request a refund of the \$130.00 petition fee submitted with the Supplemental Petition Under 37 C.F.R. 1.182, filed November 24, 1998. Paragraph four of the communication indicates that applicant is entitled to the refund as the fee submitted was unnecessary. A copy of the communication is enclosed for your reference.

Respectfully submitted,

March 12, 1999



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JOHN N. COULBY, Reg. No. 43,565
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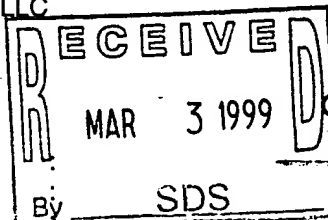
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MAR 1 1999

OFFICE OF PETITIONS
A/C PATENTS

ON PETITION

In re application of:
Stuart A. Newman
Application No. 08/993,564
Filed: December 18, 1997
For: CHIMERIC EMBRYOS AND ANIMALS
CONTAINING HUMAN CELLS

This is a decision on the Supplemental Petition Under 37 C.F.R. 1.182, filed November 24, 1998, which, in essence, requests clarification of Patent and Trademark Office's current interpretation, regulatory guidance, and policies with respect to the patentability of chimeric or hybrid organisms comprising human cells or portions thereof.

The petition is **dismissed**.

The issues raised by petitioner in the instant supplemental petition under 37 C.F.R. 1.182 were previously considered by the Patent and Trademark Office (PTO) in the decision of May 26, 1998, and the instant petition is dismissed for the reasons set forth in the decision of May 26, 1998. It is noted, however, that what petitioner seeks will be provided in the PTO's office action on the instant application.

The \$130.00 petition fee (37 C.F.R. 1.17(h)) is unnecessary and petitioners may request a refund of this \$130.00 fee. Such a request for refund must be submitted in writing to the Office of Finance and accompanied by a copy of this decision.

Manuel A. Antonakas
Director, Office of Patent Policy Dissemination
Office of the Deputy Assistant Commissioner
For Patent Policy and Projects

BOARD OF PATENT APPEALS
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MAR 16 1999

REQUEST FOR PATENT FEE REFUND

Date of Request: 4/14/99 Serial/Patent #: 08/89 3564

Please refund the following fee(s):

PAPER
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DATE
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AMOUNT

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Amendment

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Notice of Appeal/Appeal

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✓ Petition

10

3/12/99

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Assignment

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TOTAL AMOUNT
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\$ 130.00

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Adjustment date: 05/19/1999 MBROWN
11/27/1998 SSANDARA 00000022 08993564
01-FC-122 -130.00 GP

REASON:

Overpayment

Duplicate Payment

No Fee Due (Explanation):

REFUND REQUESTED BY:

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TITLE:

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THIS SPACE RESERVED FOR FINANCE USE ONLY:

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Upon completion of this form, attach original and one copy to the file and mail or hand-carry to:

Office of Finance
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